

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

F.A.O.No.1291 of 2006 (O&M)
DATE OF DECISION : 7.9.2006

National Insurance Co. Ltd.

....Appellant

Versus

Kashmira Singh & another

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Inderjit Sharma, Advocate
for the appellant.

Mr. Sandeep Goyal, Advocate
for respondent No.1.

...

UMA NATH SINGH, J.(Oral)

In this F.A.O. by the Insurance Company against an award dated 30.11.2005 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Kaithal, in MACT Case No.40 of 2003, learned counsel for the appellant submitted that the award has been passed without considering the fact that there was a collusion between the parties. Learned counsel urged this plea on the ground that a D.D.R. in respect of the accident was lodged after four days, and that too, without giving number of the offending vehicle, being a tractor-trolley. He also submitted that the Insurance Company has been granted permission under Section 170 of the Motor Vehicles Act to contest the case. That apart, he has no further submission to make.

We have carefully considered this submission and find no ground to entertain the appeal against the award for the reason that

the claimants had to file a private criminal complaint on account of non-cooperation of the police in registering an F.I.R. Further, there is an independent witness of the accident, namely Jitender Singh PW4, who has supported the claimant's case as regards the involvement of the offending vehicle in the accident. The claimant has suffered 20% permanent disability and the amount is only Rs.90,000/- which, in the given circumstances, appears to be reasonable.

Accordingly, we do not find any merit in the appeal which is dismissed in limine.

(UMA NATH SINGH)
JUDGE

7.9.2006

(MAHESH GROVER)
JUDGE

dss